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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,145	02/11/2004	Toshihiro Hayami	033082M194	2438
441 7590 02/04/2009 SMITH, GAMBRELL & RUSSELL 1130 CONNECTICUT AVENUE, N.W., SUITE 1130 WASHINGTON, DC 20036				
EXAMINER				
GRAMAGLIA, MAUREEN				
ART UNIT		PAPER NUMBER		
1792				
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02/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,145

Applicant(s)

HAYAMI ET AL.

Examiner

Maureen Gramaglia

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9, 11, 12, 14-16, 18, 19, 21, 22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7-9, 11, 14-16, 18, 19, 21, 22, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-646)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 January 2009 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 8, 9, 11, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,411,490 to Dible in view of U.S. Patent Application Publication 2003/0056901 to Nakano et al.**

In regards to Claims 1, 8, and 11, Dible teaches a plasma processing system, comprising: a processing container 212 whose inner pressure can be reduced; a first electrode 210 arranged in the processing container, the first electrode being supplied a first high-frequency electric power and a second high frequency electric power; a second electrode arranged in the processing container in parallel with and opposed to the first electrode (Figure 2); an enclosure 202 forming an enclosed space; and a high

frequency electric power supplying part arranged in the enclosed space, wherein the high frequency electric power supplying part further comprises: a first high frequency electric power source unit 206 that outputs the first high frequency electric power having a first frequency, a first matching unit 214 for impedance matching of the first high frequency electric power, a second high frequency electric power source unit 208 that outputs the second high frequency electric power having a second frequency, a second matching unit 216 for impedance matching of the second high frequency electric power, and a transmission line that transmits the first high frequency electric power from the first high frequency electric power source unit 206 to the first matching unit 216. (See at least Figure 2; Column 5, Line 47 - Column 8, Line 61)

While Dible does not expressly mention the provision of a process gas supplying part that supplies a process gas into the processing container, the presence of a process gas supplying part is implicit in the teachings of Dible to enable the generation of a plasma in the plasma processing apparatus.

Dible does not expressly teach that the enclosed space of the enclosure can be formed by a tubular supporting part that supports the first electrode and by the bottom surface of the first electrode.

Nakano et al. teaches, in a plasma processing unit, a tubular supporting part 12B supporting a first electrode 8 as broadly recited in the claims, the tubular supporting part forming an enclosed space together with a bottom surface of the first electrode 8 such that said space is disposed within the tubular supporting part 12B below the first

electrode 8, and a high-frequency electric power supplying part (shaft 13) arranged in the space. (Figure 17; Paragraph 325)

It would have been obvious to one of ordinary skill in the art to modify the apparatus of Dible to alternatively form the enclosure 202 as a tubular supporting part forming an enclosed space together with the bottom surface of the first electrode 210, as suggested by the teachings of Nakano et al., for the predictable result, as would be recognized by one of ordinary skill in the art of reducing the floor space required for the apparatus (compared to the side-by-side arrangement of Dible).

In regards to Claims 1 and 11, Dible teaches wherein coaxial cables, which meet the recitation of a power supply rod or coaxial tube, can connect the first electrode to each of the first and second match networks. (See at least Column 8, Lines 45-49)

Dible does not expressly teach wherein the transmission line connecting the first high frequency electric power source unit 206 to the first matching unit 214 is a coaxial cable; i.e. tube.

Nakano et al. teaches that the transmission line 27A connecting a high frequency electric power source unit 27 to a matching unit 26 consists of a coaxial cable; i.e. tube. (Figure 17; Paragraph 323)

It would have been obvious to one of ordinary skill in the art to alternatively use a coaxial cable for the electrical connection between the first high frequency electric power source unit and the first matching unit, as taught by Nakano et al., for the predictable result of using a sturdy, readily available and art-recognized suitable electrical transmission means.

In regards to Claim 9, Dible teaches that the first electrode 210 is used to support the substrate to be processed. (Figure 2)

Dible does not expressly teach that a vent hole is provided in the second electrode to jet out the process gas towards the first electrode.

Nakano et al. teaches, in a parallel plate plasma processing apparatus, that vent holes 7 are provided in the second electrode 4 to jet out the process gas towards the first electrode 8 holding the substrate 16 to be processed. (Figure 17)

It would have been obvious to one of ordinary skill in the art to modify the second electrode taught by Dible to provide process gas vent holes, as taught by Nakano et al., for the predictable result of showering the process gas to the substrate for uniform processing.

In regards to Claims 21 and 24, Dible teaches that the high-frequency electric power supplying part comprises at least three boxes, each box respectively containing one of the first high-frequency electric power source 206, the first matching unit 214, or the second matching unit 216. (Figure 2) (Note that while Dible teaches that the high-frequency electric power supplying part comprises more than three boxes, this does not obviate the fact that the high-frequency electric power supplying part does comprise three boxes containing the specified units.)

While Dible does not expressly teach that these three boxes are vertically stacked one on another, this arrangement is considered to be obvious to and within the skill of one of ordinary skill in the art to make, as a matter of design constraint in constructing the apparatus and installing it in a fixed amount of space.

4. Claims 3 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dible in view of Nakano et al. as applied to Claims 1 and 11, and further in view of U.S. Patent 5,643,364 to Zhao et al.

The teachings of Dible and Nakano et al. were discussed above.

In regards to Claims 3 and 25, Nakano et al. does not teach that the length of the transmission line is shorter than $3\lambda/4$, λ being a wavelength of the third harmonic wave of the high-frequency electric power, and with respect to the third harmonic wave of the high-frequency power, an output terminal of the high-frequency electric power source is an electrically short-circuited end and an input terminal of the matching unit is an electrically open end.

Zhao et al. teaches a plasma processing unit (Figure 2), wherein a transmission line that transmits high-frequency power from high-frequency power generator 12" to processing container 10 is less than one eighth of the wavelength of the high-frequency power signal in length. (Column 3, Line 61 - Column 4, Line 6). Zhao et al. further teaches that when the transmission line is short compared to one quarter of the wavelength of the high-frequency power signal, the matching unit can be connected at either end of the transmission line; i.e. the transmission line in question can run from the high-frequency power generator to the matching unit, or from the matching unit, as part of the high-frequency power generator, to the processing container. (Column 2, Lines 40-44) An output terminal of the high-frequency power source 12 is an electrically short-circuited end and an input terminal of the matching unit 30 is an electrically open end. (Figure 2)

It would have been obvious to one of ordinary skill in the art to modify the apparatus taught by Dible and Nakano et al. to have the length of the transmission line between the power source and the matching unit be less than one eighth of the wavelength of the high-frequency power signal, and to have an output terminal of the high-frequency power source be an electrically short-circuited end and an input terminal of the matching unit be an electrically open end. The motivation for having the length of the transmission line be less than one eighth of the wavelength of the high-frequency power signal, as taught by Zhao et al. (Column 4, Lines 3-11), would have been to allow for the substitution of a relatively inexpensive, compact, reliable fixed matching unit for the conventional variable matching unit, which can be more expensive and less reliable. The motivation to have an output terminal of the high-frequency power source be an electrically short-circuited end and an input terminal of the matching unit be an electrically open end, as taught by Zhao et al. (Column 4, Line 63 - Column 5, Line 9), would have been to allow for the inclusion of comparator circuitry to adjust delivered power as measured at the electrically open end of the matching unit by comparison with a desired power 38, which is illustrated in Figure 2 to be set relative to ground (electrically short circuited end).

Setting the length of the transmission line to be less than one eighth of the wavelength of the high-frequency power signal translates to the length being less than $3\lambda/8$, λ being a wavelength of the third harmonic wave of the high-frequency electric power. (The frequency of the third harmonic is three times the frequency of the applied high-frequency power signal, and thus the wavelength of the third harmonic is also three

times the wavelength of the applied power signal.) Having the length of the transmission line be less than $3\lambda/8$ meets the limitation that it be less than $3\lambda/4$ (a length where a resonance state of a third harmonic wave of the high-frequency electric power may be generated).

5. Claims 4, 5, 7, 14-16, 18, 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dible in view of Nakano et al. as applied to Claims 1 and 11, and further in view of U.S. Patent 6,703,080 to Reyzelman et al.

The teachings of Dible and Nakano et al. were discussed above.

In regards to Claims 4, 14, and 16, Dible teaches that the first high frequency electric power source 206 comprises a first high-frequency electric power generating part that generates the first high frequency electric power when direct current power is supplied thereto from a direct current power source 220 that converts AC power into DC power. (Column 7, Lines 24-56)

In regards to Claims 4, 5, 14-16, 19, and 22, the combination of Dible and Nakano et al. does not expressly teach a filter, having an output terminal connected to the transmission line as an electrically short-circuited end, that selectively allows the high-frequency electric power from the high-frequency power generating part to pass through; or a circulator, connected between the high-frequency generating part and the filter, that allows a forward wave from the high-frequency power generating part to pass through and absorbs a reflected wave from the matching unit.

Reyzelman et al. teaches that a high-frequency power source 14 includes a filter (diplexer comprising low pass filter 52 and high pass filter 58) connected to the

transmission line as an electrically short-circuited end (Figure 3B), that selectively allows the high-frequency electric power from the high-frequency power generating part to pass through; and a circulator 32, connected between the high-frequency generating part and the filter, that allows a forward wave from the high-frequency power generating part (power indicated at 28) to pass through and absorbs a reflected wave from the matching unit 60. (Figure 3B; Column 7, Lines 13-21; Column 9, Lines 3-30)

It would have been obvious to one of ordinary skill in the art to modify the combination of Dible and Nakano et al. to include a filter and a circulator in the manner taught by Reyzelman et al. The motivation, as taught by Reyzelman et al. (Column 9, Lines 31-34) for including a filter in the manner taught by Reyzelman et al., would have been to decrease the amplitude of reverse signals coming back from the plasma load through the matching unit and reaching the high-frequency power generating part. The motivation, as taught by Reyzelman et al. (Column 13, Line 55 Column 14, Line 3) for including a circulator in the manner taught by Reyzelman et al., would have been to provide isolation and suppression of reflected power caused by interactive plasma impedances that would otherwise degrade stability and reliability of the system.

In regards to Claims 7 and 18, the combination of Dible and Nakano et al. does not expressly teach that the first frequency is 70 MHz or greater.

Reyzelman et al. teaches the use in plasma processing systems of very high frequency (VHF) power generators, with frequencies of 40-300 MHz (which range overlaps with the claimed range). (Column 1, Lines 50-61)

It would have been obvious to one of ordinary skill in the art to modify the teachings of Dible and Nakano et al. in view of the teachings of Reyzelman et al. to use a VHF power generator to supply the first power to the first electrode. The motivation for making such a modification, as taught by Reyzelman et al. (Column 1, Lines 50-61), would have been to obtain better uniformity of ion and radical flux across the wafer, higher productivity, and higher repeatability.

Response to Arguments

6. Applicant's arguments filed 22 January 2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the transmission line is a coaxial tube and not a coaxial cable; that the first matching unit and first electrode are connected only by a power supply rod and not a coaxial cable; that the second matching unit and first electrode are connected by a coaxial tube and not a coaxial cable; and that Applicant's invention has a remarkable simplicity of architecture) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is particularly noted that the coaxial cables taught by Dible to connect the first electrode to each of the first and second matching units are considered to meet the recitations of a power supply rod and a coaxial tube, respectively, since the coaxial cable will have an elongated cylindrical, i.e. tube or rod, shape. Similarly, the coaxial

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cable transmission line taught by the combination of Dible and Nakano meets the recitation of a coaxial tube. It is noted that the term "coaxial tube" did not receive any special definition in the Specification that would somehow exclude a coaxial cable.

It is further noted that even if, for the sake of argument, Applicant's *claimed* invention were considered to have some greater simplicity of architecture than the combined prior art, based upon structural features recited in the claims, it is not clear that any such differences would be *unexpected*.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen Gramaglia whose telephone number is (571)272-1219. The examiner can normally be reached on core hours of 10-5, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571) 272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Maureen Gramaglia/
Examiner, Art Unit 1792

/Ram N Kackar/
Primary Examiner, Art Unit 1792